

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

KYLE KANE KICKING WOMAN,

Defendant.

CR-18-33-GF-BMM

ORDER

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on October 29, 2019. (Doc. 44.) Kyle Kane Kicking Woman (Kicking Woman) waived the 14 day objection period and his right to allocute before the undersigned.

When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Thomas v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations,

however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on October 29, 2019. (Doc. 40.) The United States accused Kicking Woman of violating his conditions of supervised release by 1) failing to report to his probation officer as directed; 2) by using methamphetamine; 3) by consuming alcohol; and 4) by failing to follow the instructions of his probation officer. (Doc. 36.)

Kicking Woman admitted to all of the allegations at a the revocation hearing. (Doc. 40.) Judge Johnston found that Kicking Woman's violations warrant revocation, and recommended that Kicking Woman be incarcerated until 1:00 p.m. on November 4, 2019, with 29 months of supervised release to follow with the first 60 days of supervised release at Connections Corrections in Warm Springs, Montana. (Doc. 44 at 4.)

The violations prove serious and warrant revocation of Kicking Woman's supervised release. The Court finds no clear error in Judge Johnston's Findings and Recommendations.

Accordingly, **IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 44) are **ADOPTED IN FULL**.

IT IS FURTHER ORDERED that Defendant Kyle Kane Kicking Woman be incarcerated until 1:00 p.m. on November 4, 2019, with 29 months of

supervised release to follow with the first 60 days of supervised release at
Connections Corrections in Warm Springs, Montana.

DATED this 31st day of October, 2019.

A handwritten signature in blue ink, reading "Brian Morris". The signature is fluid and cursive, with a horizontal line extending from the end of the name.

Brian Morris
United States District Court Judge